

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

FREDRICK W. CHASEZ, JR.	§	PLAINTIFF
	§	
v.	§	CAUSE NO. 1:07CV929 LG-JMR
	§	
POWELL, ET AL.	§	DEFENDANTS

ORDER DENYING PLAINTIFF’S MOTIONS FOR NEW TRIAL

THIS CAUSE COMES BEFORE THE COURT on the Plaintiff’s Motions for New Trial [66, 68]. The State Defendants filed a response in opposition. After due consideration of Plaintiffs’ Motions and the relevant law, it is the Court’s opinion that the Motions are not well-taken and should be denied.

DISCUSSION

Plaintiff Chasez is proceeding *pro se*. He filed his first Motion for New Trial, regarding the Court’s ruling in favor of the State Defendants, on February 29, 2008. Chasez’s second Motion for New Trial, regarding the Court’s ruling in favor of the remaining Defendants, was filed March 10, 2008. Plaintiff’s claims against all of the Defendants were dismissed for lack of subject matter jurisdiction pursuant to FED. R. CIV. P. 12(b)(1); there was no adjudication on the merits. *Stanley v. Cent. Intelligence Agency*, 639 F.2d 1146, 1157 (5th Cir. 1981).

A motion for new trial filed within ten days after the entry of judgment dismissing a movant’s claims is properly considered under FED. R. CIV. P. 59(e). *Robin v. United States*, 233 Fed. Appx. 350, 352 (5th Cir. 2007). A Rule 59 (e) motion “calls into question the correctness of a judgment.” *In re Transtexas Gas Corp.*, 303 F.3d 571, 581 (5th Cir. 2002). The movant is required to “establish either a manifest error of law or fact or must present newly discovered

evidence.” *Robin*, 233 Fed. Appx. at 352. A Rule 59(e) motion should not be used to relitigate prior matters that should have been urged earlier or that simply have been resolved to the movant’s dissatisfaction. *See Mongrue v. Monsanto Co.*, 249 F.3d 422, 427-28 (5th Cir. 2001); *Simon v. United States*, 891 F.2d 1154, 1159 (5th Cir. 1990).

After reviewing Plaintiff’s Motions, the Court finds arguments already made by the Plaintiff and considered by the Court. Plaintiff presents no new evidence, and fails to establish a manifest error of law or fact in the Court’s determination that it cannot adjudicate the merits of his claims because of 11th Amendment immunity and the *Rooker-Feldman* doctrine. The Motions for New Trial will therefore be denied.

IT IS THEREFORE ORDERED AND ADJUDGED that the Plaintiff’s Motions for New Trial [66, 68] are **DENIED**.

SO ORDERED AND ADJUDGED this the 17th day of March 2008.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.
United States District Judge